Remarks/Arguments

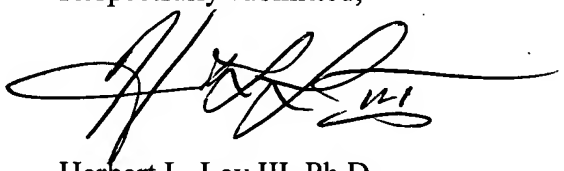
In view of the Restriction Requirement, Applicants have elected, with traverse, claims drawn to a kit for performing the method for altering gene expression. However, Applicants respectfully assert that no serious burden would be imposed on the examiner as the claims drawn to the process for altering gene expression by RNA interference using a shared, common, or universal target sequence, and a kit for performing the process do not have separate status in the art and do not require a different field of search.

In order to show a separate status in the art the examiner must either (1) provide an explanation indicating a recognition of separate inventive effort by inventors, or (2) show a separate field of search. *See MPEP* §808.02(B), 8th Edition, 2nd Revision, May 2004, page 800-48. Applicants submit that there is no recognition of separate inventive effort by inventors. Applicants also submit that there is no separate field of search since, as indicated in the Restriction Requirement (page 2), the claims in both groups are "classifiable in class 514, subclass 44." Furthermore, a search for altering gene expression by RNA interference using a universal target sequence, would suffice for all claims of the application, since, although some claims read upon kits while other claims read upon methods, all of the claims pertain to the same concept of altering gene expression. Consequently, irrespective of whether the different claims would be distinctly patentable over each other, if the disclosed method is not in prior art, kits designed to practice that method would also not be in prior art. Therefore, a search for altering gene expression by RNA interference using a universal target sequence, would suffice for all the pending claims.

Applicants respectfully submit that the same search(es) would apply to all claims, and thus no serious burden would be imposed on the examiner by examining the entire application. Applicants note that as required by *MPEP* §803, "[i]f the search and examination of the entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions." *See MPEP* 803, 8th Edition, 2nd Revision, May 2004, page 800-4 (emphasis added).

It is not believed that any time extension or fees are required with this response. If this is incorrect, an extension of time as deemed necessary is hereby requested, and the Commissioner is hereby authorized to charge any appropriate fees or deficiency or credit any over payment to Deposit Account no. **50-1627**.

Respectfully submitted,



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